

### **REMARKS**

Claims 1-54 are now pending in the application. Applicants have amended Claims 1, 2 and 32. Applicants have cancelled Claims 26-28 and 54. Applicants withdraw Claims 23-25, 29-30 and 43-53 without prejudice to filing one or more divisional applications directed to the non-elected sub-species. Minor amendments have been made to the specification to simply overcome the objections to the specification and drawings. Applicants submit that amendments to the claims and specification are supported in the specification as originally disclosed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **DRAWINGS**

The drawings stand objected to for certain informalities. Applicants respectfully submit that amendment to paragraph [0077] has rendered these objections moot. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants respectfully submit that amendments to paragraphs [0001] and [0092] have rendered these objections moot. Therefore, reconsideration and withdrawal of these objections are respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 3, 13 and 15-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tateishi et al. (U.S. Pat. No. 5,643,690). In addition, Claim 1 (at least) stands rejected under 35 U.S.C. § 102(b) as being anticipated by both Hwang et al. (U.S. Pat. No. 6,090,228) and Anderson et al. (U.S. Pat. No. 5,963,417). These rejections are respectfully traversed.

In light of currently amended Claim 1, Tateishi et al., Hwang et al. and Anderson et al. do not teach every element of the current invention. Each fails to teach a fuel cell comprising an ion conducting *membrane*.

The teachings of Tateishi et al. and Hwang et al. are applicable to molten carbonate fuel cells. Molten carbonate fuel cells utilize a molten mixture of carbonate salts, not a membrane, as the electrolyte.

The teachings of Anderson et al. are applicable to electrochemical capacitors. Anderson et al. an "aqueous or non-aqueous" electrolyte. (Anderson et al., Column 10, lines 6-7) Non-aqueous is further defined as "an organic or non-aqueous solvent containing an ion that can intercalate in the electrode surface." (Anderson et al., Column 10, lines 14-16) The electrolyte of Anderson et al. is a liquid solution or solvent, not a membrane.

Claims 1 (at least) stands rejected under 35 U.S.C. § 102(e) as being anticipated by Gyoten et al. (U.S. Pat. No. 7,005,205). In addition, Claim 1 (at least) stands rejected under 35 U.S.C. § 102(b) as being anticipated by JP 08-185870 and Anderson et al. (U.S. Pat. No. 5,963,417). These rejections are respectfully traversed.

In light of currently amended Claim 1, Gyoten et al., JP 08-185870 and Anderson et al. do not teach every element of the current invention. Each fails to teach a metal oxide coating *in communication with a reactant gas*.

Gyoten et al. teaches “forming a metal or oxide layer *in between* the metal substrate and the electroconductive resin layer . . . .” (Gyoten, Column 8, lines 47-49)(emphasis added) Similarly, Claim 2 recites “a layer . . . *between* said metal substrate and said electroconductive resin layer.” (emphasis added) The oxide layer, being sandwiched between the substrate and the resin layer, prevents contact between the oxide layer and the reactant gas.

Similarly, JP 08-185870 teaches “a protection film of metallic oxide laid on the gas concordant surface of the cathode 12 of the substrate 14 in such a state as not being in direct contact with the cathode gases.” The metallic oxide layer does not contact the reactant gas.

Finally, Anderson et al. relates to an electrochemical capacitor. The electrochemical reaction in such a capacitor results when an external potential difference is applied between two electrodes immersed in an electrolyte contained within the capacitor. Reactant gases are not present because they are not needed in the electrochemical reaction.

In light of the amendment to Claim 1, Applicants respectfully submit that Claim 1, and all claims dependent therefrom, is in condition for allowance. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw the rejections in view of the amendments and remarks.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 14 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tateishi (U.S. Pat. No. 5,643,690) in view of Gordon (U.S. Pat. No. 4,146,657). Claims 4-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tateishi (U.S. Pat. No. 5,643,690) in view of Applicants' admitted prior art. These rejections are respectfully traversed.

In light of currently amended Claim 1, Applicants respectfully submit that the Examiner's objections have been rendered moot. Neither Gordon nor Applicants' admitted prior art cures the deficiencies of Tateishi as previously discussed. Therefore, Applicants respectfully submit that Claim 1, and all claims dependent therefrom, is in condition for allowance. Applicants respectfully request the Examiner to reconsider and withdraw the rejections in view of the amendments and remarks.

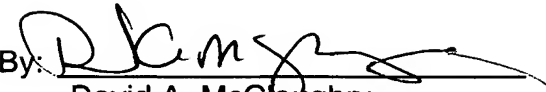
### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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